

## REMARKS

This Amendment is submitted in reply to the final Office Action mailed on December 26, 2008. No fees are due herewith this Amendment. The Director is authorized to charge any fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112701-601 on the account statement.

Claims 1-26 are pending in this application. In the Office Action, Claims 1-26 are rejected under 35 U.S.C. §103. In response, Claims 1 and 26 have been amended. The amendments do not add new matter. In view of the amendment and/or for the reasons set forth below, Applicants respectfully submit that the rejections are improper and should be withdrawn.

In the Office Action, Claims 1-10 and 12-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Publication No. JP 2002019852 to Shirahama ("*Shirahama*") in view of U.S. Patent No. 2,129,119 to Davis ("*Davis*"). Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Shirahama* in view of *Davis* and further in view of U.S. Patent No. 3,371,812 to Foster ("*Foster*"). Applicants respectfully traverse these rejections for at least the reasons set forth below.

Currently amended independent Claims 1 and 26 recite, in part, a pack comprising a body, the body being tapered between a collar and a bottom section by a plurality of pleats, each pleat extending along the length of the body from the collar to the bottom section. The amendments do not add new matter. The amendments are supported in the specification at, for example, page 7, lines 11-25; Figures 1 and 3. Each of the plurality of pleats extending along the length of the body allow the body to widen in order to accommodate the shape of a plunger, which helps to empty the body. See, specification, page 6, lines 20-26. As the body is widened, and the pleats expand slightly in a horizontal direction, the bottom section of the body (*e.g.*, "section 9" as recited in the specification) is pulled in the direction of the plunger until the bottom section is at about 90° to the rest of the body when the plunger has been pressed in completely. This expansion of the body and the movement of the bottom section ensures that none of the product is left in the pack after the pack is emptied. See, specification, page 7, line 26-page 8, line 2. In contrast, Applicants respectfully submit that the cited references fail to disclose or suggest every element of independent Claims 1 and 26.

*Shirahama* and *Davis* fail to disclose or suggest a pack comprising a body, the body being tapered between a collar and a bottom section by a plurality of pleats, each pleat extending along the length of the body from the collar to the bottom section as is required, in part, by Claims 1 and 26. In fact, *Shirahama* fails to even disclose or suggest any pleated body, as is admitted by the Patent Office. See, Office Action, page 2, lines 14-15. Instead, *Shirahama* is drawn to a plastic double container including an outer vessel made of a sheetlike plastic and an inner vessel made of a plastic film joined with the outer vessel. See, *Shirahama*, Abstract, lines 10-13. The container of *Shirahama* contains no pleats whatsoever, which is in direct contrast to Claims 1 and 26.

Similarly, while *Davis* discloses “V” shaped pleats, *Davis* fails to disclose or suggest a pack comprising a body, the body being tapered between a collar and a bottom section by a plurality of pleats, each pleat extending along the length of the body from the collar to the bottom section as is required, in part, by Claims 1 and 26. Instead, each of the “V” shaped pleats of *Davis* extend circumferentially around the container of *Davis* so as to restrict the expansion of the container in a horizontal direction and permit the container to be deformed vertically, as opposed to horizontally as is allowed by the pack of the instant disclosure. See, *Davis*, column 1, lines 6-16; Figures 1, 3, 4, 7, 10 and 13-15. For at least these reasons, *Shirahama* and *Davis* fail to disclose or even recognize the advantages of the presently claimed subject matter as set forth above.

Accordingly, Applicants respectfully request that the obviousness rejection with respect to Claims 1-10 and 12-26 in view of *Shirahama* and *Davis* be reconsidered and the rejection be withdrawn.

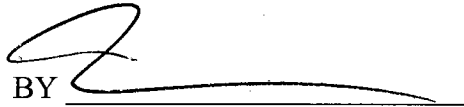
In the Office Action, Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Shirahama* in view of *Davis* and further in view of *Foster*. Applicants respectfully submit that the patentability of independent Claim 1 renders moot the obviousness rejection of Claim 11 that depends from independent Claim 1. In this regard, the cited art fails to disclose or suggest the elements of Claim 11 in combination with the novel elements of Claim 1.

Accordingly, Applicants respectfully request that the obviousness rejections with respect to Claim 11 be reconsidered and withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same. In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Respectfully submitted,

K&L GATES LLP

BY 

Robert M. Barrett

Reg. No. 30,142

Customer No. 29157

Phone No. 312-807-4204

Dated: March 2, 2009